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EXAMINER

LETTMAN, BRYAN MATTHEW

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3746

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Response to Amendment

The amendment filed May 27, 2009 has been entered. Claims 13-28 remain pending in the application. The previous 35 USC 112 rejection of claim 1 is withdrawn in light of Applicant's amendment to claim 1.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 5. The examiner suggests amending the entirety of the specification to replace reference numeral 5 with the newly added reference numerals 5A-5F.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 5B, 5C, 5D, 5E and 5F. The examiner suggests amending the entirety of the specification to replace reference numeral 5 with the newly added reference numerals 5A-5F.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

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labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The drawings contain reference numerals not in the specification and the specification contains reference numerals not in the drawings, as detailed above. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by

European Patent Publication 0 722 070 to Pettinari.

Pettinari discloses a ventilator housing comprising:

at least one control board seat arrangement (8 and 7A) with at least one seat arrangement (8 and 7A) for a printed circuit board that is formed integrally with the ventilator housing (fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2005/0106046 to Winkler, in view of German Patent 200 15 726 U1 to ebm Werke GmbH & Co. KG.

Referring to claim 13, Winkler teaches a ventilator comprising:

at least one seat arrangement (98);

said seat arrangement (98) including a plurality of retention devices (102) for detachable retention on said seat arrangement of a plurality of technical components (94 and 96) for operating the ventilator.

Winkler does not teach fixture devices having grooves and clips for securing said seat arrangement. The '726 patent teaches a ventilator housing wherein:

a retention device (6) includes a plurality of grooves (8) for inserting a plurality of technical components and a plurality of clip elements (7) for securing said components in said grooves (8).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Winkler with the housing taught by the '726 patent in order to simplify the assembly of the housing and blower components and thereby reduce the cost of manufacturing.

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Referring to claim 14, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) is constructed integrally with the ventilator housing (22).

Referring to claim 15, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) is arranged on the exterior of the ventilator housing (22) (fig. 3).

Referring to claim 16, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) includes fixing means (102) for securing said technical components (94 and 96).

Referring to claim 17, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said technical components (94 and 96) are secured in said seat arrangement (89) by positive (102) and non-positive (fig. 5) locking means.

Referring to claim 18, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

said seat arrangement (98) includes a cover closure element (100 and 142) for closing said seat arrangement (98).

Referring to claim 19, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing wherein:

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said seat arrangement has at least one opening (fig. 3) to allow a cable (92) to pass therethrough.

Referring to claim 21, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing including:

at least one of a condenser, a mains connector, a printed circuit board (90) or at least one control board detachably secured to said seat arrangement (98).

Referring to claim 22, Winkler and the '726 patent teach all the limitations of claim 13 as explained above and Winkler further teaches a housing further comprising:

a plurality of at least one of channels, guides or retainers (fig. 3) for securing or passing through electrical wires (92) for connecting said technical components (94 and 96) to each other.

Referring to claim 23, Winkler and the '726 patent teach all the limitations of claim 13 as explained above, but Winkler does not teach the use of the housing in an extraction hood. The '726 patent further teaches a housing wherein:

the ventilator housing (2) is provided for installation in an extraction hood, particularly in the suction channel or suction duct of said extraction hood (page 1, paragraph 1).

It would be obvious to one of skill in the art, at the time of invention, to modify the housing taught by Winkler with the housing taught by the '726 patent, in order to simplify the assembly of the housing and blower components and thereby reduce the cost of manufacturing, and to maximize the applications the blower housing can be used with.

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Referring to claim 25, Winkler and the '726 patent teach all the limitations of claim 13 as explained above, but do not teach multiple circuit boards. It would be obvious to one of skill in the art, at the time of invention, to use the structure taught by the '726 patent for multiple circuit boards if multiple circuit boards are required in a particular application.

Referring to claim 26, Winkler and the '726 patent teach all the limitations of claim 25 as explained above, and Winkler further teaches a structure wherein:

said seat arrangement includes a first lateral wall, a second lateral wall in opposition to said first lateral wall, and an open face delimited between said first and second lateral walls (shown in Fig. 8). Winkler does not teach a groove.

The '726 patent further teaches a housing wherein:

a lateral groove (8) is located at a lateral wall and has an open end at an open face (shown in Fig. 4), whereupon a respective circuit board can be inserted through said open face into the lateral groove (shown in Figures 3 and 4).

It would be obvious to one of skill in the art, at the time of invention, to use the structure taught by the '726 patent for multiple circuit boards if multiple circuit boards are required in a particular application.

Referring to claim 27, Winkler and the '726 patent teach all the limitations of claim 26, as detailed above, but Winkler does not teach fixture devices having grooves and clips for securing said seat arrangement. The '726 patent teaches a ventilator housing wherein:

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said plurality of clip elements (7) includes a positive locking element (threads) operable to resist withdrawal of a circuit board that has been inserted into a lateral groove (8).

It would be obvious to one of skill in the art, at the time of invention, to use the structure taught by the '726 patent for multiple circuit boards if multiple circuit boards are required in a particular application.

Claims 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2005/0106046 to Winkler and German Patent 200 15 726 U1 to ebm Werke GmbH & Co. KG as applied to claim 13 above, and further in view of U.S. Patent 6,354,287 to Kudoh.

Referring to claim 20, Winkler and the '726 patent teach all the limitations of claim 13 as explained above, but does not teach a mechanism for relieving strain on said cable. Kudoh teaches a blower housing comprising:

at least one seat arrangement (4, 7) having at least one mechanism (21a) for strain relief of a cable.

It would be obvious to one of skill in the art, at the time of invention, to modify the housings taught by Winkler and the '726 patent, with the housing taught by Kudoh in order to economically support and seal the cable passing through the wall of said seating arrangement and thereby reduce the cost of manufacturing.

Referring to claim 28, Winkler, the '726 patent and Kudoh teach all the limitations of claim 20, as detailed above, but Winkler and the '726 patent do not teach a cover

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which is movable between an open and closed position. Kudoh further teaches a housing wherein:

said seat arrangement (7) includes a housing (17a) and a cover (17b) element that is movable relative to said housing between an open position and a covering position (shown in Figures 10 and 11) and said mechanism for strain relief of a cable (21a) includes a first part on said housing (the hole in 17a) and a second part on said cover element (the U shaped opening in 17b) that cooperate together in the covering position of said cover element to compressively engage a cable extending therebetween to resist withdrawal of the cable out of said housing (shown in Figures 10 and 11).

Response to Arguments

Applicant's arguments filed May 27, 2009 have been fully considered but they are not persuasive.

With regard to claim 13, Applicant argues that it would not have been obvious to one of ordinary skill in the art, at the time of invention, to modify the housing taught by Winkler with the housing taught by the '726 patent. The Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skill in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. Both the '726 patent and Winkler teach fans. One of ordinary skill in the art would recognize that securing technical components in a fan using clips and grooves, as

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taught by the '726 patent, would have utility if combined with the fan housing taught by Winkler. Accordingly, one of skill in the art, At the time of invention, would have been motivated to modify the housing taught by Winkler with the housing taught by '726 patent.

Applicant further argues, with regard to claim 13, that Winkler's teaching of a lateral housing part would "seem to complicate, rather than simplify, the assembly of the housing and the blower components." This argument is not persuasive. Winkler's teaching of a lateral housing part (98) is equivalent to Applicant's disclosed externally mounted seat arrangement. Both Winkler's lateral housing part (98) and Applicant's externally mounted seat arrangement would require "penetrations in the housing" to permit wiring.

Applicant further argues, with regard to claim 13, that the grooves (8) disclosed by the '726 patent do not teach the grooves disclosed by Applicant. The pending claims must be "given their broadest reasonable interpretation." *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005). A groove is defined by the Merriam-Webster dictionary as "a long narrow...depression." The groove (8) taught by the '726 patent is a long narrow depression, accordingly Applicant's argument is not persuasive. The Examiner suggests amending the claims to provide additional structural limitations for the groove, which distinguish the claimed groove from the prior art.

Applicant further argues, with regard to claim 13, that hindsight reasoning was used in the combination of Winkler with the '726 patent. It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon

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hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). The combinations made by the examiner rely only on the knowledge which was within the level of ordinary skill at the time the claimed invention was made. Applicant's argument is therefore unpersuasive.

As the rejection of claim 13 has been maintained, Applicant's arguments with respect to claims 14-23 are not persuasive.

With regard to claim 24, Applicant argues that the arrangement (7A, 8), disclosed by Pettinari, does disclose the seat arrangement disclosed by Applicant. Applicant further argues that Pettinari discloses a circuit board which is instead mounted. This argument is deficient because a mounting inherently includes a seat arrangement. Accordingly, by Applicant's own admission, Pettinari does disclose a seat arrangement and Applicant's argument is therefore unpersuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Lettman whose telephone number is (571) 270-7860. The examiner can normally be reached on Monday - Thursday between 9:00 am and 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. L./
Examiner, Art Unit 3746

/Devon C Kramer/
Supervisory Patent Examiner, Art
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